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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/384,419	08/27/1999	GRAHAM BANK	85874/136	7815	
75	90 07/01/2003				
FOLEY & LARDNER 3000 K STREET N W SUITE 500 P O BOX 25696			EXAMINER		
			NI, SUHAN		
	, N, DC 200078696				
			ART UNIT	PAPER NUMBER	
			2643	24	
	•		DATE MAILED: 07/01/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.



		Application No.	Applicant(s)	<u>&gt;</u>
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	Office Action Summary	09/384,419	BANK ET AL.	· · · · · · · · · · · · · · · · · · ·
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	The MAILING DATE of this communication ap	Suhan Ni	h the correspondence address	
Period fo	•	pears on the bover sheet with	n are correspondence address	,
THE I - Externafter - If the - If NC - Failu - Any I	ORTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period reto reply within the set or extended period for reply will, by statusely received by the Office later than three months after the mailing patent term adjustment. See 37 CFR 1.704(b).		ply be timely filed (30) days will be considered timely. HS from the mailing date of this commun	cation.
1)	Responsive to communication(s) filed on	·		
2a) <u></u> □	This action is <b>FINAL</b> . 2b) T	his action is non-final.		
3)□ Dispositi	Since this application is in condition for allow closed in accordance with the practice under on of Claims			rits is
4)🖾	Claim(s) 1,3,5-27 and 33-39 is/are pending in	n the application.		
	4a) Of the above claim(s) is/are withdra	awn from consideration.		
5)	Claim(s) is/are allowed.			
6)[	Claim(s) is/are rejected.			
7)	Claim(s) is/are objected to.			
8)⊠	Claim(s) all are subject to restriction and/or el	ection requirement.		
Applicati	on Papers			
9)[	The specification is objected to by the Examin	er.		
10) 🗌 -	The drawing(s) filed on is/are: a)☐ acce	epted or b) objected to by th	e Examiner.	
	Applicant may not request that any objection to the	he drawing(s) be held in abeyar	nce. See 37 CFR 1.85(a).	
11) 🗌 .	The proposed drawing correction filed on	_ is: a)☐ approved b)☐ dis	sapproved by the Examiner.	
_	If approved, corrected drawings are required in re	• •		
12)	The oath or declaration is objected to by the E	xaminer.		
Priority u	nder 35 U.S.C. §§ 119 and 120			
13)[	Acknowledgment is made of a claim for foreig	n priority under 35 U.S.C. §	119(a)-(d) or (f).	
a)[	☐ All b)☐ Some * c)☐ None of:			
	1. Certified copies of the priority documen	its have been received.		
	2. Certified copies of the priority documen	its have been received in Ap	plication No	
* S	3. Copies of the certified copies of the price application from the International Base the attached detailed Office action for a lis	ureau (PCT Rule 17.2(a)).	•	<b>3</b>
	cknowledgment is made of a claim for domes	•		ication).
_a	)  The translation of the foreign language pracknowledgment is made of a claim for domes	ovisional application has be	en received.	•
Attachmen	t(s)			
2) Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of In	ummary (PTO-413) Paper No(s) formal Patent Application (PTO-152	
S. Patent and To TO-326 (Re		Action Summary	Part of Paper No. 25	



Application/Control Number: 09/384,419

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## **DETAILED ACTION**

1. This communication is responsive to the request for reconsideration dated 02/24/03.

## Election/Restriction

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1, 5-6, 22-27 and 33, drawn to the structures/structural elements of a vibration exciting system for a panel speaker, classified in class 381, subclass 152.
  - II. Claims 3, 7-21 and 34-39, drawn to the structures/structural elements of a suspension for a panel speaker, classified in class 381, subclass 424.
- 3. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP '806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the invention I only drawn to a vibration exciting system for a panel speaker.
- 4. Because these inventions are distinct for the reasons giving above and have acquired a separate status in the art as shown by their different classifications, restriction for examination purposes as indicated is proper.
- 5. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Groups I. Restriction for examination purposes as indicated is proper.

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6. Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Suhan Ni** whose telephone number is (703)-308-9322, and the number for fax machine is (703)-305-9508. The examiner can normally be reached on Monday through Thursday from 9:00 am to 7:30 pm. If it is necessary, the examiner's supervisor, **Curtis Kuntz**, can be reached at (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

Suhan Ni

Patent Examiner

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June 26, 2003